



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON  
ATTORNEY GENERAL**

August 4, 1959

Honorable Robert S. Calvert  
Comptroller of Public Accounts  
Capitol Station  
Austin, Texas

Opinion No. WW-679

Re: Questions relating to  
amounts due retired  
Texas Rangers under  
Section 66, Article XVI,  
Texas Constitution, and  
Senate Bill 53, Acts  
56th Legislature, Regular  
Session, 1959.

Dear Mr. Calvert:

We have received your request dated July 7, 1959,  
in which you present the following questions:

"(1). Please advise the amount of  
money which should be paid to persons  
eligible under the Senate Bill 53, for  
the month of August?

"(2). Please advise the amount of  
money to be paid to a person for the month  
of September, who became eligible for Ranger  
benefits on the 15th day of September."

Section 66 of Article XVI of the Constitution of  
Texas reads as follows:

"The Legislature shall have authority  
to provide for a system of retirement and  
disability pensions for retiring Texas  
Rangers who have not been eligible at any  
time for membership in the Employees Retirement  
System of Texas as that retirement  
system was established by Chapter 352, Acts  
of the Fiftieth Legislature, Regular Session,  
1947, and who have had as much as two (2)  
years service as a Texas Ranger, and to their  
widows; providing that no pension shall exceed

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Eighty Dollars (\$80) per month to any such Texas Ranger or his widow provided that such widow was legally married prior to January 1, 1957, to a Texas Ranger qualifying for such pension."

Section 2 of Senate Bill 53, Acts 56th Legislature, Regular Session, 1959, Chapter 283, Page 629, reads in part as follows:

"... Full monthly payment shall be made for each month commencing with the month in which the completed application is filed and ending with the month in which the recipient dies." (Emphasis added).

Senate Bill 53 will become effective August 11, 1959, and will authorize a pension payment to be made for August, 1959.

If the above quoted provisions of Senate Bill 53 were interpreted to require payment for the full amount of the pension for August when the legislative authorization did not become effective until August 11, such would contravene Section 16 of Article I of the Constitution of Texas, which prohibits such a retroactive effect. It is well established that a statute should be construed so as to effectuate its purpose and in a manner to support its presumed constitutionality.

Therefore, in our opinion, eligible pensioners may receive only that proportionate part of the August payment represented by the period in August subsequent to the effective date of the Bill.

Your second question, in our opinion, is controlled by when the properly completed application is filed. We shall assume the person "who became eligible" for the benefits on the 15th day of September also filed a completed application before the end of the month.

It is clear that the Legislature intended the recipient to receive the full amount of the monthly benefits starting with the month in which the properly completed application is filed. The Courts give liberal construction to such provisions in order to effectuate the purpose intended in statutes such as this. (See Teacher Retirement System v. Duckworth, 260 S.W. 2d 632 (Civ.App. 1953), affirmed and

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opinions adopted by the Supreme Court of Texas, 264 S.W. 2d 98). Furthermore, we believe that if the complete application is filed during the month of September, the recipient is to receive full payment for the calendar month beginning September 1 and ending September 30. Such seems to be the construction intended by the terms of the statute. (See Long v. City of Wichita Falls, 142 Tex. 202, 176 S.W. 2d 936).

SUMMARY

Under Section 66, Article XVI of the Constitution and Senate Bill 53, Acts 56th Legislature, Regular Session, 1959, recipients are to receive only that portion of the August, 1959, payment represented by the period of August subsequent to the effective date of the Bill; subsequent monthly payments are to be made on the basis of a full monthly payment for the calendar month in which the completed application is filed.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Tom I. McFarling  
Assistant

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APPROVED:

OPINION COMMITTED  
Geo. P. Blackburn, Chairman

Robert T. Lewis  
C. K. Richards  
J. Milton Richardson  
Zellner J. Turlington

REVIEWED FOR THE ATTORNEY GENERAL  
By: Leonard Passmore